

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
HIDEKI YOSHINAGA, ET AL.) : Examiner: Unassigned
Application No.: 10/553,038) : Group Art Unit: 2821
Filed: October 11, 2005) : Confirmation No.: 6783
For: DISPLAY APPARATUS) :
) March 14, 2008

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. §1.181 OR
CONDITIONALLY UNDER 37 C.F.R. §1.137(a) AND
M.P.E.P. §711.03(c) TO WITHDRAW HOLDING OF ABANDONMENT**

Sir:

Applicants hereby petition the Commissioner to restore pending status to the above-identified abandoned application. This Petition is accompanied by:

1. A Declaration Under M.P.E.P. §711.02 of Scott D. Malpede; and
- 2) A Declaration Under M.P.E.P. §711.02 of Mark Chanderdatt, together

with an exhibit of docketing records concerning due dates for Patent Office filings for the relevant periods in the above-identified application.

FACTS

On January 29, 2008, the undersigned law firm received a Notice of Abandonment mailed January 22, 2008, regarding the above-identified application. The Notice stated that the application is abandoned because a response to a Notification of Missing Requirements Under 35 U.S.C. 371 (Notification) mailed August 31, 2006, has not been filed. However, Applicants never received such a Notification in the above-identified application, as evidenced by the attached Declarations of Scott D. Malpede and Mark Chanderdatt, and therefore were not aware of any requirement to file a response to the Notification.

REQUEST

Accordingly, the Commissioner is hereby requested to revive this application by withdrawing the Notice of Abandonment mailed January 22, 2008, to remail the Notification and to re-set period for response thereunder.

FEE

The Commissioner is hereby authorized to charge Deposit Account No. 06-1205 for any petition fee which may be due. However, since Applicants believe that the abandonment occurred through no fault of their own, no fee should be due.

Appln. No.: 10/553,038

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Scott D. Malpede/

Scott D. Malpede
Attorney for Applicants
Registration No. 32,533

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

SDM:rnm

FCHS_WS 1953134v1

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DECLARATION UNDER M.P.E.P. §711.02

Sir:

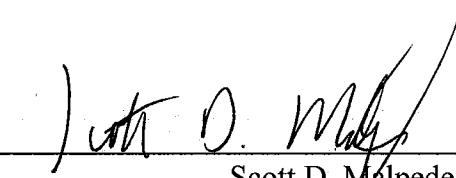
I, Scott D. Malpede, declare and say that:

1. I am a partner in the law firm of Fitzpatrick, Cella, Harper & Scinto, 30 Rockefeller Plaza, New York, New York 10112, and am an attorney of record in the above-identified application. I am the attorney in the law firm who is primarily responsible for the prosecution of the subject patent application.

2. On January 29, 2008, a Notice of Abandonment dated January 22, 2008, was received by the law firm in the above-identified application. The Notice of Abandonment indicated that a reply has not been received in response to a Notification of Missing Requirements Under 35 U.S.C. 371 (Notification) mailed August 31, 2006.

However, after reviewing the pertinent records, including the entire file of the subject application, and the Declaration of March Chanderdatt dated March 7, 2008, and the attached exhibit thereto, I have concluded that the law firm never received the Notification in the above-identified application.

Date: March 14, 2008



Scott D. Malpede

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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HIDEKI YOSHINAGA, ET AL.) : Examiner: Unassigned
Application No.: 10/553,038) : Group Art Unit: 2821
Filed: October 11, 2005) : Confirmation No.: 6783
For: DISPLAY APPARATUS) :

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER M.P.E.P. §711.02

Sir:

I, Mark Chanderdatt, declare and say that:

1. I am employed by Fitzpatrick, Cella, Harper & Scinto, 30 Rockefeller Plaza, New York, New York 10112 as a docket clerk professional. My responsibilities include docketing the receipt of documents from the U.S. Patent and Trademark Office (PTO), and maintaining records of such documents and records of periods of response thereunder.

2. All communications from the PTO are directed to me immediately upon receipt within the firm.

3. Each and every communication I receive from the PTO is logged into a Day Book Report on the day it is received, along with a due date for responding to the communication. I have reviewed the entries in the Day Book Report concerning the period from

August 31, 2006, through September 30, 2006. Those entries do not include an entry indicating receipt of a Notification of Missing Requirements Under 37 U.S.C. §371 (Notification) or any other PTO paper concerning the above-identified application. Accordingly, I conclude that no Notification dated August 31, 2006, was received for the subject application.

4. In addition to my responsibilities, as stated above, for maintaining records of documents received from the PTO, I also calculate and record in a Docket Book the date upon which responses to such PTO communications are due. The response due date to a August 31, 2006, Notification would have been October 31, 2006. The entries in the Docket Book on that date do not indicate that any response to a August 31, 2006, Notification in the above-identified application was due.

5. In addition to the above procedures and practices, I also maintain a computerized Master Docket in which is recorded the due date upon which a response to such PTO communication is due. The entries in the Master Docket on that date do not indicate that any response to a August 31, 2006, Notification in the above-identified application was due. A copy of a computer printout of the Master Docket is attached hereto as Exhibit A showing the last three digits of each application number having a due date on October 31, 2006. Again, Exhibit A does not refer to the above-identified application.

6. Further to the above procedures and practices, I also maintain a computerized file for each application which summarizes all of Applicant's filings and PTO communications. The computerized file of the subject application shows no indication of a Notification being received.

7. Accordingly, from a review of all of the above-referenced records, it is my belief that the firm never received the Notification.

Date:

March 9, 2008

Mark Chanderdatt

Mark Chanderdatt

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Due Date	Docket Number	Attorney	Action	Application No
10/31/2006	00684-124817,	Zupcic, Anthony M.		

Remarks
Filed by emr on 10/25/06
Zupcic, Anthony M.
Application convention deadline

10/31/2006 00862.13497 Zupcic, Anthony M. Convention Deadline - 1 Week Reminder

Remarks
Filed by emr on 10/31/06
Zupcic, Anthony M. Application convention deadline

10/31/2006 02910.120954. Zupcic, Anthony M. Convention Deadline - 1 Week Reminder

Remarks
Filed by emr on 10/31/06
Zupcic, Anthony M. Convention Deadline - 1 Week Reminder

10/31/2006 03500.125005. Zupcic, Anthony M. Convention Deadline - 1 Week Reminder

Remarks
Filed by emr on 10/31/06
Zupcic, Anthony M. Convention Deadline - 1 Week Reminder

549

10/31/2006 03503.001758. Zupcic, Anthony M. Allow Future Next Renewal Dates

Remarks
Country of Origin - JAPAN Last Update - 06-18-2004

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Due Date 10/31/2006 Docket Number Attorney Chuck will handle Ff fm Sew/Sn3 10/17/10
Remarks 04762.01200. Warner, Steven E.

Action Foreign-filing-comvention-deadline Application No 668

10/31/2006 00862-12564f. Weaver, Gregory S. Remarks ##BLK to electronically file##, ###BLK to electronically file##;

Remarks

Weaver, Gregory S.

Remarks

1.53B DIV; PTA=0; 1.53b div filed 04/10/06; IPT 102006 - INSTR;

Remarks

See below

Remarks

Drawings- Correction Due

Remarks

002

10/31/2006 03292-104420. Yu-Jahne, Lock See Remarks (35.C1635C/D/C2) Country of Origin - JAPAN LastUpdate - 06-25-2004

Expiry calculation 2 34

002

10/31/2006 03500.001635.4 Yu-Jahne, Lock See Remarks (35.C1635C/D/C2) Country of Origin - JAPAN LastUpdate - 10-07-2004

Expiry calculation 2 34

002

10/31/2006 03500.004738. Yu-Jahne, Lock See Remarks Country of Origin - JAPAN LastUpdate - 10-20-2004

Expiry date 215

002

10/31/2006 03500.004929.2 Yu-Jahne, Lock See Remarks Country of Origin - JAPAN LastUpdate - 10-20-2004

Expiry calculation 2 425

002

Div by eis in JNK on 10/31/06
~~10/31/06 03292-104420 F10 153(b) Dif. stamp of 2c, 1962~~

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Due Date	Docket Number	Attorney	Action	Application No
10/31/2006	03500.001277.5	Reda, Jennifer A.	Expiry calculation 2	■ 56
Remarks	(35.C1277 C2/D3);REISSUE FILE;RHF/AFC/CPAM	Country of Origin - JAPAN LastUpdate - 06-07-2004		
10/31/2006	03500.003576.2	Reda, Jennifer A.	Expiry calculation 2	■ 134
Remarks	Country of Origin - JAPAN LastUpdate - 08-03-2004			
10/31/2006	03500.005202.1	Reda, Jennifer A.	Expiry calculation 2	■ 397
Remarks	Country of Origin - JAPAN LastUpdate - 10-20-2004			
10/31/2006	00684.003500.1	Stahl, Lawrence A.	Expiry calculation 2	■ 347
Remarks	IPT 092906 - Upload docs;			
<u><i>Rece + Peter by esp in us in 10/31/06</i></u>				
10/31/2006	00684.108476.	Stahl, Lawrence A.	Expiry calculation 2	■ 397
Remarks	file with 14 related applications; IPT 120705 - Letter re: OFR; IPT 050206 - Reupload docs;			
10/31/2006	00684.109141.	Stahl, Lawrence A.	Expiry calculation 2	■ 1031-1031
Remarks	file with 14 related applications; 2nd Recordation recorded 4/28/06, 018264/0342;			
<u><i>Ext to 11/30/06 in UT in 10/31/06</i></u>				
10/31/2006	01997.050000.1	Stahl, Lawrence A.	Expiry calculation 2	■ 1031-1031
Remarks				
<u><i>Ext to 11/30/06 in UT in 10/31/06</i></u>				
10/31/2006	01997.050000.1	Stahl, Lawrence A.	Expiry calculation 2	■ 1031-1031
Remarks				
<u><i>Ext from US / US in 10/31/06</i></u>				
10/31/2006	01997.050000.1	Stahl, Lawrence A.	Expiry calculation 2	■ 1031-1031
Remarks				

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Due Date	Docket Number	Attorney	Action	Application No
10/31/2006	093606-014374	Kleek, Brian J.	3-month Office Action initial deadline	10/13/06 853
Remarks	FD & IDS RECD W/APPLN;			
10/31/2006	093606-014374	Kanett, Edward A.	FINAL 3-month Office Action initial deadline	10/23-10/23-10/23
Remarks	FLOPPY RECD W/APPLN; IPT 092706 - IDS; IPT 092806 - Copy of JP OA;			
10/31/2006	093606-120521	Klause, John A.	Application convention deadline	10/22 7/06
Remarks				
10/31/2006	093606-155511	Margutyan, Ohn J.	Application convention deadline	
Remarks				
10/31/2006	093606-014374	Margutyan, John J.	Final Advisory	7/45
Remarks	FLOPPY RCD W/APLN;			
10/31/2006	093606-09469-144374	Melapede, Scott D.	Application convention deadline	
Remarks				
10/31/2006	093606-017122	Matpede, Scott D.	FINAL 3-month Office Action initial deadline	10/30 - 10/30 - 10/30
Remarks	FD RECD W/APPLN; IPT 042406 - instr;			
10/31/2006	093606-0126516	Melapede, Scott D.	Clients filing deadline	10/26
Remarks	FAX 101605 - DEADLINE TO FILE APPLN POSTPONED TO 10/31/06;			

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Print : 10/20/2006 1:45:33	Action	Application No
Due Date	Docket Number	Attorney
10/31/2006	03500.004775.	Didas, Michael J.
Remarks	Country of Origin - JAPAN	Last Update - 10-20-2004
		Expiry date
		217
10/31/2006	FD RECD W/APPLN; FEDX 020204 - RE:ASSIGN; IPT 082406 - INSTR;	
Remarks	FLOPPY RCD W/APLN; (PicBridge); IPT 090106 - INTERVIEW;	
10/31/2006	KCE + per 1330 by EPS in US on 10/27/2006 at 15.00\$	
Remarks	FLOPPY RCD W/APLN; IPT 102006 - INST;	
10/31/2006	<i>Amend by hand in US on 10/31/06</i>	
Remarks	FAX 083006 - Draft Prelim amend okay;	
10/31/2006	KCE by EPS in US on 10/31/06	
Remarks	FLOPPY DISK RECD W/APPLN; amend after final filed 100606;	
10/31/2006	<i>Amend by hand in US on 10/31/06</i>	
Remarks	IPT 080906 - Send OFR; IPT 091406 - Send OFR;	
10/31/2006	00862.027909. KICK Brian L.	
Remarks	1ST RCE FILED 092104;	
	M - ret to 113206	
	FRM AD 3 month Office Action initial deadline	
	611	

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Due Date

Docket Number

Attorney

Action

Application No

Reminder - Exit to 11/30/06

10/31/2006 09292101900.

Berensmeyer, Jennifer

3-month Office Action initial deadline

185

Remarks

10/31/2006 09292101900. Cine, Frank E.

3-month Office Action initial deadline

175

IDS w/ R. Ref + Amend b/ Cine, Fec on 10/31/06

Remarks

FLOPPY RECD W/APPLN;

10/31/2006 00364.000400. Clayton Ronald A. Expiry date
Remarks (RAC) PER TELECOM INSTR PR CLI 121301 - DONT PAY M-FEES Country of Origin - USA LastUpdate - 09-28-2004

Expiry date

275

10/31/2006 03500.004744. Conno Jeffrey M. Expiry date
Remarks Country of Origin - JAPAN LastUpdate - 10-07-2004

Expiry date

295

10/31/2006 03500.004773.1 Conno Jeffrey M. Expiry calculation 2
Remarks (NO DWGS)1.60 DIV FILED Country of Origin - JAPAN LastUpdate - 10-20-2004

948

Ref. & Reg. new Ent. to misltd man - final on 6/28/06

Remarks

1.53B DIV - PAR TO ISSUE; IPT 082106 - Letter re: claims;

Amend by exp for LPO on 10/31/06

Remarks

TLC/PY 011403 - PKLM/AMEND; EMAIL 040505 - IDS;

3-month Office Action initial deadline

18

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Action Application No

Due Date

Docket Number

Attorney

Office Action

3-month Extension

586

10/30/2006 007663000762 Vaudras, Daniel E. 1.53B CONT - PAR ABAND (REF.001-165320C/EK); FAX 083006 - Letter re: IDS; Remarks

10/30/2006 055000010194 IPT 100306 - DECL/ASSIGN; Remarks

Ded. w/ am + Seq. listing (paper + cert) b/c cover in 9/25/06
655000010194. Notice to file Missing Parts initial deadline 10/25/06.

10/30/2006 055000010194 IPT 100306 - DECL/ASSIGN; Remarks

10/30/2006 055000010194 Warner, William M. REMINDER: FOREIGN FILING DUE BEFORE 031005; LastUpdate - 03-10-2005 Remarks

10/30/2006 055000010194 Warner, William M. 2-month Office Action 1-month extension 165 Remarks

10/30/2006 055000010194 Warner, William M. Floppy recd w/appn; HDS-Due++Month 165 Remarks

Ext to 11/30/06 in name/Thru on 10/30/06
Friend A/F + persn (changed to 94) Warner, Steven E. 1.53b div; 1.53b div filed 113005; IPT 080406 - pls reupload document; IPT 092806 - INSTR & INTERVIEW;
NJ. DA. - b 11.30.06

10/30/2006 032921019400. Wieschhausen, Carl B. Remarks

See above

10/30/2006 032921019400. Wieschhausen, Carl B. Remarks

3-month Office Action 1-month Extension

586

367

930